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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

2005 JUN 15 P 3:58

STEPHEN DREW DELOACH,

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CLERK'S OFFICE, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

Plaintiff,

\*

vs.

\*

CASE NUMBER: 3:05cv573-F

RACHEL ELIZABETH SAVIN,

\*

Defendant.

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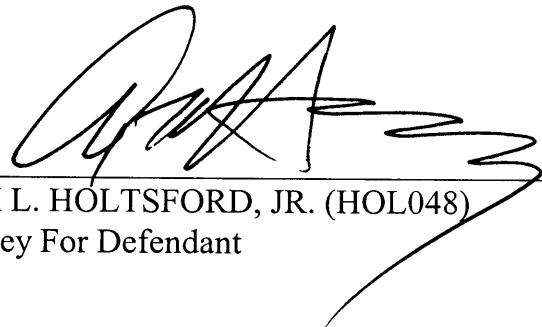
**ANSWER TO COMPLAINT**

COMES NOW the Defendant in this case, by and through the undersigned attorney, and for answer to the Complaint says as follows:

1. This Defendant denies all material allegations of paragraph one of the Complaint and demands strict proof thereof.
2. This Defendant denies all material allegations of paragraph two of the Complaint and demands strict proof thereof.
3. This Defendant denies all material allegations of paragraph three of the Complaint and demands strict proof thereof.
4. This Defendant affirmatively avers lack of causation for the injuries and damages being sought in this case.
5. This Defendant affirmatively avers lack of causal relationship between her actions and the damages being sought in this case.

6. This Defendant affirmatively avers pre-existing conditions applicable to this case.
7. This Defendant affirmatively avers set-off for all monies received by or available to the Plaintiff as a direct or indirect result of the accident in question.
8. This Defendant affirmatively avers that Plaintiff had the last clear chance to avoid the accident, yet failed to do so, and is barred from all recovery pursuant to applicable law.
9. This Defendant affirmatively avers that Plaintiff negligently caused or contributed to cause this accident, and is barred from recovery by contributory negligence and/or assumption of the risk.
10. This Defendant affirmatively avers sudden emergency not attributable to her, for which liability cannot be imposed pursuant to applicable law.
11. This Defendant affirmatively avers set-off for all collateral sources which have been paid either to the Plaintiff or on behalf of the Plaintiff as a direct or indirect result of the accident in question.
12. This Defendant pleads the general issue.
13. This Defendant reserves the right to supplement this answer as discovery progresses in this case.

14. This Defendant respectfully requests that all issues herein be decided by a struck jury.



ALEX L. HOLTSFORD, JR. (HOL048)  
Attorney For Defendant

OF COUNSEL:  
NIX HOLTSFORD GILLILAND  
HIGGINS & HITSON, P. C.  
Post Office Box 4128  
Montgomery, Alabama 36103-4128  
(334) 215-8585

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day mailed, postage prepaid, an exact copy of the foregoing document to:

J. Michael Williams, Sr.  
Attorney For Plaintiff  
Post Office Box 1068  
Auburn, Alabama 36831

This the 15 day of June, 2005.



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OF COUNSEL